

STATE OF HAWAII
DEPARTMENT OF EDUCATION
OFFICE OF SCHOOL FACILITIES AND SUPPORT SERVICES
Honolulu, Hawaii 96813

, 2011

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.:

MAUI

Approval in Principle of the Acquisition of Private Lands
for the Department of Education for Educational Purposes,
Wailuku, Island of Maui, County of Maui, Tax Map Key: (2) 3-
5-001: 078 and por. 077.

APPLICANT AGENCY:

Department of Education (DOE)

PRIVATE LANDOWNER:

Kehalani Mauka LLC, a domestic profit corporation whose business
and mailing address is 1100 Alakea Street, 27th Floor, Honolulu,
Hawaii 96813.

LEGAL REFERENCE:

Sections 107-10, 171-11, 171-30, and 302A-1601, Hawaii Revised
Statutes, as amended.

LOCATION:

Privately-owned lands of Kehalani Mauka LLC, (KM) situated at
Wailuku, County of Maui, Island of Maui, identified by Tax Map
Key: (2) 3-5-001:078 & por. 077, as shown on the attached map
labeled Exhibit A.

AREA:

14.1 acres, more or less, in two separate but adjoining parcels.
Parcel 078 is 12.702 acres. A portion of Parcel 077, as shown on
the attached map labeled Exhibit A, has been legally subdivided,
but current does not have its own tax map key number. That
portion of Parcel 077 is 1.396 acres, more or less. It will
eventually serve as a driveway to the school.

ZONING:

State Land Use District: Urban
County of Maui: Wailuku-Kahului Project District III

CURRENT USE:

Vacant and unimproved with various access and utility easements.

CONSIDERATION:

None. Private landowner is providing the subject lands at no cost to the State.

PURPOSE:

For educational purposes. Parcels will become the campus of Pu'u Kukui Elementary School in the Kehalani Project.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Assessment for the proposed elementary school on the subject project was published in the OEQC's Environmental Notice on May 23, 2010 with a finding of no significant impact (FONSI).

APPLICANT REQUIREMENTS:

Applicant shall require the Private Landowner to:

- 1) Process and obtain subdivision approval at Applicant's own cost;
- 2) Provide survey maps and descriptions for the privately-owned property according to State DAGS standards and at Applicant's own cost;
- 3) Obtain a title report for the privately-owned property at Applicant's own cost and subject to review and approval by the Department;
- 4) Pay for and conduct a Phase I environmental site assessment and, if this Phase I identifies the potential for hazardous materials release or the presence of hazardous materials, conduct a Phase II environmental sampling and analysis plan and perform any and all remediation, abatement and disposal as may be warranted and as satisfactory to the standards required by the Federal Environmental Protection Agency and/or the State Department of Health, all at no cost to the State and to the satisfaction of the Department.

REMARKS:

The DOE is requesting that the Board of Land and Natural Resources (BLNR) approve in principle the transfer of two parcels of land that will become the campus of Pu'u Kukui Elementary School.

Upon the DOE's completion of all appropriate due diligence, the DOE shall report all findings to BLNR and request final BLNR approval.

Pu'u Kukui Elementary School will accommodate the increasing demand for educational facilities from the growing residential development in Central Maui. The school has the design enrollment of 550 students. The proposed project consists of the construction of grades K-5 classroom buildings, a library, a dining hall, an administrative building, a covered play court, a playfield, and a total of 133 parking stalls. The school will strive to achieve LEED-Silver certification. The school is expected to provide various safe and welcoming gathering places, and will serve as the center of the community.

This proposed project will require infrastructure improvements, including the development of parking spaces to accommodate public and employee vehicles, driveways and accessibility, and use of utilities. Landscaping will also be installed to minimize paved areas and enhance the overall appearance of the proposed project. No significant adverse impacts are anticipated from the proposed improvements.

This capital improvement project was approved by the Board of Education. Funding for design and construction of the new elementary school was appropriated by the Hawaii State Legislature through Act 160, SLH 2006 (\$3,692,000); and Act 213, SLH 2007 (\$41,377,000).

An Education Contribution Agreement (Agreement) was executed on January 14, 2003, between KM and the DOE for a school site in Kehalani Mauka, a 549-acre private residential development in Wailuku, Maui. BLNR and the Department of Land and Natural Resources did not review nor were parties to the Agreement or subsequent amendments.

In the Agreement, KM was to provide 12 acres of land, more or less, to the State of Hawaii as an educational payment to satisfy the DOE's fair-share requirement to off-set the impact of the 2,400 residential units in the Kehalani Mauka project. The 12 acres satisfy Condition No. 7 of the State Land Use Commission Docket No. A89-642.

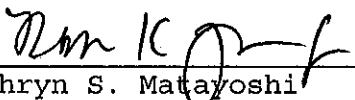
Two supplements to the Agreement in August 2008 and March 2011 permitted the school site to expand to a total of 14.1 acres.

Comments on the Draft Environmental Assessment were solicited from a large number of federal, state, and county agencies; elected officials; community associations; and individuals. The DOE commitment to community involvement included a charrette planning process involving a team of stakeholders in Maui schools. The group included teachers, parents, and students.

RECOMMENDATION: That the Board:

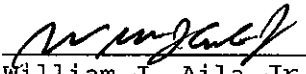
1. Approve in principle the acquisition of the subject private lands under the terms and conditions cited above which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the State's most current Warranty Deed document form, as may be amended from time to time;
 - B. Review and approval by the Department of the Attorney General;
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Kathryn S. Matayoshi
Superintendent
Department of Education

APPROVED FOR SUBMITTAL:



William J. Aila Jr., Chairperson

Exhibit A

